

Los Angeles County Sheriff's Department

Officer Involved Shooting

Page 1 of 5

Report Date: 12-19-11		Bureau/Station/Facility: Office of Homeland Security / Transit Services Bureau		Admin. Invest.? <input type="checkbox"/> Hit? <input checked="" type="checkbox"/>	
Incident Information					
URN: 011-06375-6891-013		Date: 12-17-11		Time: 0457	
City or Station: City of Los Angeles		Nature of Incident: Suspect Rodriguez was shot after he pointed a handgun at Deputy Delao.			
Location: [REDACTED]					
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School <u>Street</u> Other: _____		Lighting (circle only one): Darkness Daylight Other <u>Street Lights</u> Weather (circle only one): Clear <u>Cloudy</u> Fog Rain Distance: 65 feet		Incident Type (circle one or more): Accidental <u>Armed Person</u> Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____	
Total # of Shots Fired by Deputy 3		Total # of Shots Fired by Suspect 0		Initiated by (circle only one): Arrest Warrant Call <u>Observation</u> <u>One Person Unit</u> Other Search Warrant Two Person Unit Prior Activity (circle only one): Detective Inmate Transport Other <u>Routine Patrol</u> Aero Unit? <input type="checkbox"/> Canine Unit? <input type="checkbox"/>	
Employee Witnesses					
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
N/A					
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
Non-Employee Witnesses					
Last Name		First Name		M.I.	
[REDACTED]		[REDACTED]		-	
Street Address		City	Zip Code	Work Ph	Home Ph
Captain, LA City Fire Dept. Station #1		Los Angeles	90031	213-485-6201	-
Last Name		First Name		M.I.	
[REDACTED]		[REDACTED]		-	
Street Address		City	Zip Code	Work Ph	Home Ph
Firefighter, LA City Fire Dept. Station #1		Los Angeles	90031	213-485-6201	-
Last Name		First Name		M.I.	
[REDACTED]		[REDACTED]		-	
Street Address		City	Zip Code	Work Ph	Home Ph
Firefighter, LA City Fire Dept. Station #1		Los Angeles	90031	213-485-6201	-
Supervisors					
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> Present during shooting	Witness to shooting Involved in shooting
[REDACTED]	Yates	Clifford	W		
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> Present during shooting	Witness to shooting Involved in shooting
[REDACTED]					
Watch Sergeant					
Employee #	Last Name	First Name	M.I.		
[REDACTED]	Jaen	Carlos	A		
Watch Commander					
Employee #	Last Name	First Name	M.I.		
[REDACTED]	Ibelle	Robby	R		

PSTD Use Only	
SH # _____	

Rollout Information					
Arrival Date	12-17-2011	Arrival Time	0635	Date Submitted	Date of Recommendation
Employee #	[REDACTED]	Last Name	Kim	First Name	Patrick M.I
Employee #	[REDACTED]	Last Name	Smeltzer	First Name	Chad M.I E
Employee #	[REDACTED]	Last Name	Ault	First Name	Alicia M.I E
Shooting / Force Information					

Method

(AW)	Anwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithaca	(RG)	RG	(ZZ)	Other Brand

Caliber

(9) 9 mm	(24) .243 caliber	(41) .410 gauge
(10) 10 mm	(25) .25 caliber	(44) .44 caliber
(12) 12 gauge	(30) .308 caliber	(45) .45 caliber
(20) 20 gauge	(35) .357 caliber	(50) 50 mm
(21) .22-250	(36) 30-60 caliber	(SL) Slug
(22) .22 caliber	(38) .38 caliber	(WWW) Other caliber
(23) .23 caliber	(40) .40 caliber	

FORCE APPLIED (one code per block)[illegible]

Officer Involved Shooting involved Employee Information

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Involved Employee

E 1	Employee #	Last Name Delao	First Name David	M.I. J
Sex: M	Race: H	Rank DSG	Unit Assignment: TSB	Work Assignment (Unit #, Module, etc.): 690B
ShiftTime (circle only one): EM PM Day		ShiftType (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Substance Used: N/A		Coroner Case #		
Hospital Admission? <input type="checkbox"/>		Hospital Name: N/A		Coroner Case # <input type="checkbox"/> Interviewed? <input checked="" type="checkbox"/>
Hrs of sleep prior to shooting: 5-6		Duty Time (hrs): ████████		Other Factors:
Age: 49	Height: 601	Weight: 245	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket no Vest Raid Jacket w/ Vest	
Range Qualification Date: ████████		PPC Qualification Date: ████████		Laser Training Date: ████████
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit: ████████	Prior Shootings? ████████	Number of Prior Shootings: ████████ Directed Force: ████████
Weapons Fired Brand: Sig Sauer		Caliber: 9mm	# Shots: 3	Weapons Fired Brand: ████████ Caliber: ████████ # Shots: ████████
Field Training Officer Emp # ████████		Last Name: ████████	First Name: ████████ M.I.: ████████	
Field Training Officer Emp # ████████		Last Name: ████████	First Name: ████████ M.I.: ████████	

E	Employee #	Last Name	First Name	M.I.
Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (circle only one): EM PM Day		ShiftType (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Substance Used:		Coroner Case #		
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case # <input type="checkbox"/> Interviewed? <input type="checkbox"/>
Hrs of sleep prior to shooting:		Duty Time (hrs):		Other Factors:
Age:	Height:	Weight:	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Raid Jacket no Vest Uniform w/ Vest Raid Jacket w/ Vest Uniform no Vest	
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/> Directed Force: <input type="checkbox"/>
Weapons Fired Brand:		Caliber:	# Shots:	Weapons Fired Brand: <input type="checkbox"/> Caliber: <input type="checkbox"/> # Shots: <input type="checkbox"/>
Field Training Officer Emp #		Last Name	First Name M.I.	
Field Training Officer Emp #		Last Name	First Name M.I.	

E	Employee #	Last Name	First Name	M.I.
Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (circle only one): EM PM Day		ShiftType (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Substance Used:		Coroner Case #		
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case # <input type="checkbox"/> Interviewed? <input type="checkbox"/>
Hrs of sleep prior to shooting:		Duty Time (hrs):		Other Factors:
Age:	Height:	Weight:	Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Raid Jacket no Vest Uniform w/ Vest Raid Jacket w/ Vest Uniform no Vest	
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? <input type="checkbox"/>	Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/>	Number of Prior Shootings: <input type="checkbox"/> Directed Force: <input type="checkbox"/>
Weapons Fired Brand:		Caliber:	# Shots:	Weapons Fired Brand: <input type="checkbox"/> Caliber: <input type="checkbox"/> # Shots: <input type="checkbox"/>
Field Training Officer Emp #		Last Name	First Name M.I.	
Field Training Officer Emp #		Last Name	First Name M.I.	

Officer Involved Shooting Suspect Information

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Suspect Information

S 1	Last Name Rodriguez, Jr.		First Name Roberto		M.I.
AKA Last Name		First Name		M.I.	
N/A					
Sex: M	Race: H	Street Address: [REDACTED]		City: [REDACTED]	State & Zip Code: [REDACTED]
Work Phone: N/A		Home Phone: N/A	Social Security #: [REDACTED]	Driver's License #: [REDACTED]	
Age: 32	D.O.B.: 10-25-1979	Height: 507	Weight: 170	FBI #: [REDACTED]	CII #: [REDACTED]
Booking #	Primary Charge: Deceased		Secondary Charge: N/A		
Coroner Case? <input checked="" type="checkbox"/>	Coroner Case # 2011-08234		Intoxication/Drug Usage? <input checked="" type="checkbox"/>	Substance Used: Methamphetamine	
Armed? <input checked="" type="checkbox"/>	Apprehended? <input checked="" type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input checked="" type="checkbox"/>		
Vehicle Make		Model:		Year:	
N/A					

S	Last Name		First Name		M.I.
AKA Last Name		First Name		M.I.	
Sex:	Race:	Street Address:		City	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make		Model:		Year:	

S	Last Name		First Name		M.I.
AKA Last Name		First Name		M.I.	
Sex:	Race:	Street Address:		City	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make		Model:		Year:	

S	Last Name		First Name		M.I.
AKA Last Name		First Name		M.I.	
Sex:	Race:	Street Address:		City	State & Zip Code:
Work Phone:		Home Phone:	Social Security #:	Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make		Model:		Year:	

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

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Non-Employee Witnesses			
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address Firefighter, LA City Fire Dept. Station #1	Zip Code 90031	Work Ph 213-485-6201	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address Firefighter/Paramedic, LA City Fire Dept. Station #1	Zip Code 90031	Work Ph 213-485-6201	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address Firefighter, LA City Fire Dept. Station #1	Zip Code 90031	Work Ph 213-485-6201	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address Firefighter/Paramedic, LA City Fire Dept. Station #1	Zip Code 90031	Work Ph 213-485-6201	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address Engineer, LA City Fire Dept. Station #1	Zip Code 90031	Work Ph 213-485-6201	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address [REDACTED]	Zip Code [REDACTED]	Work Ph [REDACTED]	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address [REDACTED]	Zip Code [REDACTED]	Work Ph [REDACTED]	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address [REDACTED]	Zip Code [REDACTED]	Work Ph [REDACTED]	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name [REDACTED]	First Name [REDACTED]	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
SH# 2303242
URN 011-06375-6891-013

DATE / TIME / LOCATION

Saturday, December 17, 2011
0457 hours

Deputy Delao was driving a patrol car in a one-man unit (Unit 690B) traveling eastbound on Solano Avenue in the city of Los Angeles, when he came upon fire trucks which were stopped facing westbound in the eastbound lanes. Deputy Delao approached the fire trucks and was waiting for a firefighter to waive him through the area, in order to continue to his destination. A firefighter approached the passenger side window of Deputy Delao's patrol vehicle and advised Deputy Delao, there was a male with a gun at the location.

Deputy Delao exited his patrol car as he saw several firefighters running toward his vehicle. A firefighter pointed out the suspect as Deputy Delao activated his emergency trigger on his portable radio. Deputy Delao used a fire truck for cover as he looked for the suspect. Deputy Delao spotted the armed suspect and saw the suspect was holding a handgun with both hands, in a low ready position. The suspect appeared to be scanning the area. Deputy Delao ordered the suspect to drop the gun. The suspect was standing at the opposite end of the fire truck where Deputy Delao had been taking cover. The suspect looked in Deputy Delao's direction and pointed the gun at Deputy Delao.

Deputy Delao fired two rounds at the suspect. The suspect fell to the ground and immediately began rolling to his side, apparently looking for Deputy Delao. Deputy Delao feared the suspect was looking for him and believed the suspect was preparing to take aim again, at which time Deputy Delao fired a third round, neutralizing the suspect.

After neutralizing the suspect, Deputy Delao requested assistance via his portable radio and advised he had been involved in a shooting. Deputy Delao repositioned himself using cover and awaited assisting units. Assisting units arrived and assisted Deputy Delao in handcuffing the suspect. Los Angeles City Firefighters/Paramedics, who were already on scene, treated the suspect for his injuries. The suspect was transported via ambulance to LA-USC Medical Center where he was pronounced dead.

The incident was documented on a Sheriff's crime report, under file number 011-06375-6891-013. The investigation was handled by Sheriff's Homicide detectives.

Internal Affairs Bureau Lieutenant Alicia Ault (now Captain) was notified. She along with Sergeant Patrick Kim and Sergeant Chad Smeltzer responded to the location to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses and Deputy Delao.

IAB NOTE: On November 14, 2012, the Los Angeles County District Attorney's Office, Justice System Integrity Division, issued their letter of opinion regarding this shooting incident. The letter concludes with the statement, "We conclude that Deputy Delao acted in lawful self-defense and defense of others when he used deadly force against Roberto Rodriguez. We are therefore closing our file and will take no further action in this manner."

IAB SHOOTING / FORCE TEAM

Lieutenant Alicia Ault, Sergeant Patrick Kim and Sergeant Chad Smeltzer.

INVOLVED PERSONNEL

Delao, David, Deputy # [REDACTED]	MH/49	601 / 245	Right handed
Homeland Security Division – Transit Services Bureau			
Date of Employment:	11-8-94		
Date Assigned to Patrol:	11-1-97		
Date Completed Patrol Training:	[REDACTED]		
Date of Range Qualification:	[REDACTED]		
Prior Shooting Incidents:	[REDACTED]		
Prior Founded Force Incidents:	[REDACTED]		

SUSPECT

Rodriguez Jr., Roberto **MH/32** **DOB 10-25-1979** **507/170**

The Consolidated Criminal History System reveals Suspect Rodriguez had [REDACTED]

IAB NOTE: Suspect Rodriguez' Criminal History Report is included in this case book. See **Exhibit C**.

EMPLOYEE WITNESSES

None

NON-EMPLOYEE WITNESSES

██████████ – Captain, Los Angeles City Fire Department

██████████ – Firefighter, Los Angeles City Fire Department

██████████ – Firefighter, Los Angeles City Fire Department

██████████ – Firefighter, Los Angeles City Fire Department

██████████ – Firefighter/Paramedic, Los Angeles City Fire Department

██████████ – Firefighter/Apparatus Operator, Los Angeles City Fire Department, Station #1

██████████ – Firefighter/Paramedic, Los Angeles City Fire Department, Station #1

██████████ – Engineer, Los Angeles City Fire Department, Station #1

██████████ – MO/A, Address of ██████████

██████████ – FO/5-17-62, Address of ██████████

██████████ – MH/6-25-74, Address of ██████████

IAB NOTE: Several of the neighboring houses were canvassed for additional witnesses. Several only heard the incident and were not eyewitnesses. Their statements are documented on several supplemental reports. See **Exhibit A**.

INJURIES

Suspect

Suspect Rodriguez sustained two gunshot wounds. He was treated at the scene by Los Angeles City Fire Department Paramedics, Station #1 under the direction of Captain Ponce. He was transported to LA-USC Medical Center via ambulance where he was pronounced dead on December 17, 2011 at 0522 hours. Suspect Rodriguez was assigned Los Angeles Coroner Case Number 2011-08234.

IAB NOTE: The Coroner's Autopsy Report is included in this case book. See **Exhibit A, Pages 69-90**. According to the Toxicology report, Suspect Rodriguez had Amphetamine and Methamphetamine in his system at the time of his death.

Deputy Personnel

None

INVESTIGATIVE SUMMARY
SH 2303242

IAB

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau. The suspect's firearm was amongst the items recovered and collected as evidence.

IAB NOTE: A Sketch of the crime scene and evidence legend is included in this case book. See **Exhibit D**. Photographs of the scene are also included. See **Exhibit E**.

DISTANCE

Approximately 65 feet.

INVESTIGATOR OBSERVATIONS

The Internal Affairs Bureau investigators arrived at the scene approximately two hours after the incident had occurred and conducted a walk-through of the crime scene. There was nothing significant beyond what was reported and documented by both Homicide detectives and Sheriff's Crime Lab personnel.

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Investigator obtained a copy of the radio transmissions from the Sheriff's Communications Center (SCC). The following is a summary of the emergency radio transmissions.

At 0457 hours, an SCC dispatcher advises Unit 690B activated his emergency trigger and requests his status. There is a short moment of silence (approximately 14 seconds) at which time, Unit 690B requests 10-33 (emergency clearance) and requests the patch. Unit 690B advises of a deputy involved shooting at Solano and Broadway. As additional Sheriff Units were responding, Deputy Delao advised, the suspect was down and that he had LAPD Officers on scene. Additionally, Deputy Delao advised over the patch, the suspect had the gun underneath his body. Three field sergeants (690AS1, 640S, 650S) advised SCC they were responding along with several TSB units. Shortly after numerous units arriving, a deputy (690A) is heard advising the situation was "Code-4." The deputy additionally advised, 902R (fire department) was already on scene.

IAB NOTE: The time span, according to the TSB dispatch audio obtained from SCC, was fourteen seconds between the time SCC advised of 690B's emergency trigger activation and the time 690B requested 10-33 clearance. A compact disc containing a recording of the radio traffic is included in this case book. The emergency radio traffic begins at 00:08 of the "Windows Media Player" file titled "TSB Dispatch." See **Exhibit F**.

LIGHTING AND WEATHER CONDITIONS

It was dark out with minimal ambient lighting when the incident occurred (0457 hours).

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Delao:

Service Weapon Type: Sig Sauer Handgun, Model P226, Elite, 9mm, Serial # [REDACTED] semi automatic, with attached Streamlight TLR-1
Rounds Fired: Three
Type of Ammunition Used: WIN 9mm Luger
Date Employee Last Qualified: December 8, 2011

IAB NOTE- An examination of Deputy Delao's firearm by Homicide Bureau investigators indicated he had shot a total of three rounds. Three expended 9mm casings were recovered at the scene. See **Exhibit A**.

WEAPONS USED BY SUSPECT

Suspect Rodriguez was in possession of a "Hi-Point," Model C9, 9mm, Serial # [REDACTED], Black, semi automatic handgun. The firearm was loaded with a black magazine containing eight live 9mm bullets. No bullets were found in the chamber of the weapon. The firearm was recovered from the street where the suspect had been.

IAB NOTE: Photographs of the suspect's firearm are included in this case book. See **Exhibits G**.

PROPERTY DAMAGE

A Los Angeles City Fire Department truck, number 60682, license number [REDACTED], was parked in the middle of the street facing west in front of [REDACTED] Solano Avenue. The vehicle sustained a bullet strike to a reflective tape decal which was affixed to the cargo door. Only the reflective tape had been struck and peeled back. No damage was observed to the cargo metal door. The bullet ricocheted off the cargo door and impacted a white Mitsubishi Lancer, license number [REDACTED] parked at the curb in front of [REDACTED].

One bullet hole was observed in the front side of the left rear passenger door glass window channel of the Mitsubishi Lancer. The vehicle was parked east of the above described fire truck. The bullet's impact into the door window channel caused the left rear glass to shatter.

IAB NOTE: Photographs of the above listed damage are included in this case book. See **Exhibit E**. A Sketch of the scene, which included the positions of the above listed vehicles is also included. See **Exhibit D**.

INVESTIGATIVE SUMMARY
SH 2303242

IAB

CRIMINAL INVESTIGATOR / CHARGES FILED

Investigators: Detectives Mitchell Robison # [REDACTED] and Richard Garcia # [REDACTED]
Homicide Bureau

Charges: Suspect deceased

INVOLVED EMPLOYEE STATEMENT

Involved Deputy David Delao was interviewed by Homicide Bureau Detectives, Mitchell Robison and Richard Garcia on December 17, 2011. The interview was digitally audio recorded. Deputy Delao was represented by his attorney Adam Marangell.

IAB NOTE: The Homicide Bureau detectives summarized their interview with Deputy Delao in a supplemental report included in this case book. See **Exhibit B**. For the complete interview, refer to the transcripts which are included in this case book.

Involved Deputy David Delao was interviewed by Internal Affairs Bureau Sergeants Mark Reyes and Scott Graham on February 5, 2013, at 0943 hours. The interview was digitally audio recorded. The following is a summary of that interview. For full and complete details of the interview, refer to the transcripts which are included in this case book.

Deputy Delao was driving on Solano Avenue in the city of Los Angeles with intentions of driving through the area, when he came upon some fire trucks which were parked in the middle of the road.

IAB NOTE: Deputy Delao was coming from [REDACTED]
[REDACTED] and was on his way to [REDACTED].

A Firefighter waved at Deputy Delao which Deputy Delao believed he was waving him through. Deputy Delao continued driving when the firefighter stopped Deputy Delao and informed him of a man with a gun in a driveway at the location. Subsequently, Deputy Delao saw several firefighters running toward his patrol car as he heard another firefighter yell, "He's coming. He's got a gun!" Deputy Delao noted the firemen appeared to be in fear adding this was the first time in his career he had ever seen firemen running in fear.

Deputy Delao exited his patrol car and drew his handgun. Using his patrol car as cover he walked backwards toward the rear of the patrol car and positioned himself in front of a fire truck (ladder truck), using the fire truck for cover. The fire truck was parked in the east bound lanes, facing west.

Deputy Delao spotted the suspect walking in a northern direction from the sidewalk, onto the street. Deputy Delao saw the suspect was gripping a handgun with both hands. The suspect was pointing the handgun down toward the ground in a low ready position. The suspect appeared to be scanning the area as if he was looking for something.

Deputy Delao positioned himself closer to the fire truck and activated his emergency trigger on his portable radio. Deputy Delao activated his emergency trigger causing the Sheriff's Communications Center dispatcher to clear the air in an attempt to ascertain Deputy Delao's emergency status. Due to the rapidly evolving situation, Deputy Delao was unable to broadcast any information at that point, as he was focused on the suspect.

Deputy Delao shouted at the suspect to drop the gun (which he did not comply), and continued using the fire truck as cover, concealing himself using the fire truck as a barricade. He peered over, with his handgun pointed in an east direction toward the suspect. The suspect did not drop the gun; instead, he turned his body to the sound of Deputy Delao's voice and raised the handgun, pointing it at Deputy Delao.

Deputy Delao reacted to the threat and fired one round at the suspect. The first round did not appear to have an effect, as the suspect continued pointing the gun at Deputy Delao. Deputy Delao fired a second round (about one second from the first round). The second round appeared to have impacted the suspect. The suspect twisted his body, appearing to lose his balance and fell to the ground.

Deputy Delao could no longer see the gun, but believed the suspect was still armed. The suspect was lying on his right side with his head to the north and his feet to the south, with his arms tucked into his body, facing Deputy Delao. Deputy Delao believed the suspect was injured, but still trying to pinpoint his (Deputy Delao) location. The suspect was still holding his head up off the ground as if looking for Deputy Delao.

Deputy Delao believing the suspect was still armed and fearing the suspect was still looking for him, fired a third round. He described the third round as an intentional skip shot which he considered for concerns of his background which was a cross street (Broadway Street). The third shot appeared to have an immediate effect on the suspect, evident by the suspect turning onto his stomach and his head looking away from Deputy Delao. After the third shot, Deputy Delao immediately put out emergency radio traffic, using his portable radio, advising he had been involved in a shooting at his location. Deputy Delao immediately repositioned himself, walking closer to the suspect, using the parked cars as cover. Deputy Delao continued covering the suspect with his handgun, as he approached. Deputy Delao said his purpose for getting closer was to close the distance in order to be in a better position to react to the suspect if he was to begin shooting. He wanted to be at a comfortable distance where he knew he could effectively react to any additional threats from the suspect.

Deputy Delao positioned himself behind the parked car directly south where the suspect had fallen.

IAB NOTE: The above vehicle is a black Lexus, license number [REDACTED]. Photographs of the vehicle are included in this case book. See **Exhibit E**.

Deputy Delao did not approach to apprehend or contact the suspect without assisting units. It was a tactical mindset due to his [REDACTED] to shoot at closer distances. Deputy Delao's handgun was pointed in a northeasterly direction at the suspect as he waited for assisting units. This changed Deputy Delao's original back drop of Broadway Street which is where responding Los Angeles Police Department officers arrived from, within approximately one minute. Deputy Delao's background as he waited for assisting units was a fire truck.

IAB NOTE: The above described fire truck #60682 is pictured in numerous photographs and crime lab sketches included in this case book. See **Exhibit E**.

Los Angeles Police officers and additional Los Angeles County Sheriff's deputies arrived at the location approximately three minutes later. Deputy Delao and assisting deputies approached the suspect tactically and handcuffed the suspect. A handgun was found on the ground underneath the suspect's torso. A shield was not utilized during the tactical approach of the suspect, as it was not available at that time.

IAB NOTE: During the interview, Deputy Delao was shown a photograph (marked with a 1) and a crime lab sketch of the scene. He was asked to draw a stick figure on the sketch diagram to show the suspect's location, and a "D" to show his (Deputy Delao) location as he waited for assisting units. See **Exhibit H**.

Deputy Delao described the duration of the shooting from the first shot to his third as lasting maybe, approximately ten seconds. He said he used his sights to gain target acquisition on each of his three shots.

EMPLOYEE WITNESSES

None

CIVILIAN WITNESSES

Homicide detectives conducted several audio taped witness interviews from civilians and firefighters. Their summary of those interviews are included in this case book. See **Exhibit A, B and Homicide interview transcripts** for complete details.

SUSPECT'S STATEMENTS

None (deceased)

INVESTIGATIVE SUMMARY
SH 2303242

IAB